

The Honorable J. Richard Creatura

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR CLEMENTE,

Defendant.

NO. MJ21-204

COMPLAINT FOR VIOLATION

Title 18, United States Code,
Section 922(g)(1)

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Before J. Richard Creatura, United States Magistrate Judge, U.S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

Possession of Marijuana with Intent to Distribute

On or about April 7, 2021, at Renton, Washington, in the Western District of
Washington, CESAR CLEMENTE knowingly and intentionally possessed, and did aid
and abet the possession of, with intent to distribute, substances controlled under Title 21,
United States Code, Section 812, to wit: marijuana.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D),
and Title 18, United States Code, Section 2.

COUNT 2

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

On or about April 7, 2021, at Renton, Washington, within the Western District of Washington, CESAR CLEMENTE did possess, and did aid and abet the possession of, firearms, to wit: one Desert Eagle 50 caliber Magnum Research pistol, bearing serial number DK0002091, in furtherance of a drug trafficking crime, to wit: *Possession of Marijuana with Intent to Distribute*, as charged in Count 1 above.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

And the complainant states that this Complaint is based on the following information:

I, SHAWNA MCCANN, being first duly sworn on oath, depose and say:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been employed with the FBI since September 2017. I am currently assigned to the Seattle Field Division where I am a member of the violent crime, gang, and Transnational Organized Crime – Western Hemisphere squad. In this capacity, I investigate, inter alia, violations of the Controlled Substance Act, Title 21, United States Code, Section 801 et seq., and related offenses. I have received specialized training in the enforcement and investigation of the Controlled Substance Act. I have received over 400 hours of classroom training including, but not limited to, drug identification, drug interdiction, money laundering techniques and schemes, smuggling, and the investigation of individuals and/or organizations involved in the illegal possession, possession for sale, sales, importation, smuggling, manufacturing, and trafficking of controlled substances.

2. In my role as a Special Agent for the FBI, I have participated in narcotics investigations (e.g., heroin, cocaine, marijuana, and methamphetamine) that have resulted in the arrest of individuals and the seizure of illicit narcotics and/or narcotics-related

1 evidence and the forfeiture of narcotics-related assets. I have been involved in the service
2 of federal and state search warrants as part of these investigations. I have encountered
3 and have become familiar with various tools, methods, trends, paraphernalia, and related
4 articles utilized by various traffickers in their efforts to import, export, conceal, and
5 distribute controlled substances. I am also familiar with the manner in which drug
6 traffickers use telephones, often cellular telephones, to conduct their unlawful operations,
7 and how they code their conversations to disguise their unlawful activities. I am also
8 familiar with the various methods of packaging, delivering, transferring, and laundering
9 drug proceeds. Additionally, through my training and experience, I can identify illegal
10 drugs by sight, odor, and texture.

11 3. I have also worked on drug investigations involving the use of court-
12 authorized wiretaps under Title III. In that capacity, I have had the opportunity to
13 monitor, listen to, and review transcripts and line sheets (prepared by linguists)
14 documenting the content of hundreds of intercepted conversations involving the
15 trafficking of cocaine, methamphetamine, heroin, and other narcotics, by persons who
16 used some form of code to attempt to thwart law enforcement detection. I have also
17 interviewed defendants at the time of their arrest and have debriefed, spoken with, and/or
18 interviewed numerous drug dealers or confidential sources (informants) at proffer and
19 field interviews who were experienced in speaking in coded conversation over the
20 telephone. From these interviews, and also from discussions with other experienced
21 agents, I have gained knowledge regarding the various methods, techniques, codes,
22 and/or jargon used by drug traffickers in the course of their criminal activities, including
23 their use of firearms to protect their narcotics-related activities and of cellular telephones
24 and other electronic means to facilitate communications while avoiding law enforcement
25 scrutiny.

26 4. I have written affidavits in support of court-authorized federal warrants and
27 orders in the Western District of Washington for GPS tracking of telephones, Pen
28 Register/Trap and Trace, and search warrants. Additionally, I have testified in grand jury

proceedings, written investigative reports, and conducted and participated in numerous interviews of drug traffickers of various roles within drug organizations, which has provided me with a greater understanding of the methods by which drug trafficking organizations operate.

5. I am an investigative law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to conduct investigations of, and to make arrests for, violations of the Controlled Substance Act, Title 21, United States Code, Section 801 *et seq.*, and related offenses.

The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement personnel; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause to believe that Defendant committed the crime set forth herein, this document does not contain all of my knowledge of the larger investigation.

II. PURPOSE OF AFFIDAVIT

6. This Affidavit is made in support of a Complaint against CESAR CLEMENTE for one count of *Possession of Marijuana with Intent to Distribute* in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(D), and 2, and one count of *Possession of a Firearm in Furtherance of a Drug Trafficking Crime* in violation of Title 18, United States Code, Sections 924(c) and 2.

III. SUMMARY OF PROBABLE CAUSE

7. I, together with other agents and officers of the FBI, the Seattle Police Department (SPD), and other agencies have been conducting an investigation of a large Drug Trafficking Organization (DTO) which was believed to be distributing significant amounts of cocaine, crack cocaine, marijuana, and other controlled substances in the Western District of Washington. During the course of the investigation, law enforcement

1 obtained judicial authorization to intercept a number of cellular telephones used by
2 members of the DTO.

3 8. On April 14, 2020, agents were conducting surveillance on Michael
4 Walker, from whom agents had previously purchased marijuana via a controlled buy. At
5 approximately 2:20 p.m., agents observed, via remote surveillance, Michael Walker
6 arrive at his residence, driving a gold Honda Accord. Just prior to that, at approximately
7 2:17 p.m., data from a Pen Register and Trap and Trace device installed on Michael
8 Walker's cell phone number (425) 428-9267 (TT4) showed that Michael Walker received
9 and answered a call from phone number (206) 422-4378, which based on law
10 enforcement database checks was associated with CESAR CLEMENTE. At
11 approximately 2:41 p.m., agents observed, via remote surveillance, a white Toyota
12 Highlander bearing Washington license plate BCW0719 depart the vicinity of a residence
13 located at 12120 SE 186th St, Renton, Washington, determined to be CESAR
14 CLEMENTE's residence as discussed below. Per law enforcement database checks, this
15 vehicle is a white 2008 Toyota Highlander registered at that time to CESAR
16 CLEMENTE at 2103 E Republican Street, Seattle, Washington.

17 9. At approximately 2:43 p.m., agents observed, via remote surveillance, the
18 white Toyota Highlander bearing Washington license plate BCW0719 pull into the
19 driveway of Michael Walker's residence. Via remote video surveillance, a male,
20 identified as CESAR CLEMENTE III based on a comparison to his driver's license
21 photograph, exited the white Toyota Highlander, opened the rear driver's side door,
22 retrieved a black backpack, and walked into Michael Walker's residence. At
23 approximately 2:44 p.m., data from a Pen Register and Trap and Trace device installed
24 on TT4 showed that Michael Walker received and answered a call from CESAR
25 CLEMENTE using (206) 422-4378. At approximately 2:49 p.m., agents observed, via
26 remote surveillance, CESAR CLEMENTE exit Michael Walker's residence carrying the
27 black backpack in one hand, which appeared to be lighter/weigh less than when CESAR
28 CLEMENTE carried the backpack into the residence. CESAR CLEMENTE put the black

1 | backpack in the rear driver's side of the Toyota Highlander and departed Michael
2 | Walker's residence.

3 | 10. At approximately 2:57 p.m., agents observed CESAR CLEMENTE park at
4 | an apartment complex located at 1104 S 18th Street, Renton, Washington. Agents then
5 | observed CESAR CLEMENTE meeting with an unknown male in the front passenger
6 | seat of the white Toyota Highlander. At approximately 3:14 p.m., agents observed
7 | CESAR CLEMENTE and the unknown male standing in the parking lot of the apartment
8 | complex smoking marijuana, determined based on the odor emitted from the smoke. At
9 | approximately 4:09 p.m., agents observed the unknown male go inside an upstairs
10 | apartment unit door, either unit #7 or #4, by entering a code on the door. At
11 | approximately 4:11 p.m., agents observed the unknown male exit the apartment unit
12 | carrying a black and red shoe box in one hand and accompanied by a small child. The
13 | black male handed the shoe box to CESAR CLEMENTE and then CESAR CLEMENTE
14 | departed the apartment complex lot driving the white Toyota Highlander.

15 | 11. At approximately 4:15 p.m., agents initiated a vehicle stop on CESAR
16 | CLEMENTE. CESAR CLEMENTE failed to stop his vehicle and continued driving.
17 | CESAR CLEMENTE stopped at a red light in the far left lane at the intersection of
18 | Benson Road S and 515/Benson Drive S in Renton, Washington, but still refused to pull
19 | over. An agent with activated emergency lights pulled up alongside CESAR
20 | CLEMENTE and told CESAR CLEMENTE that he was the police and instructed
21 | CESAR CLEMENTE to pull over. CESAR CLEMENTE refused to pull over and
22 | proceeded to run the red light, crossing other lanes of stopped traffic, and turned right
23 | onto 515/Benson Drive S. Agents observed CESAR CLEMENTE eventually park on the
24 | street across from a residence located at 1032 S 32nd Place, Renton, Washington.
25 | CESAR CLEMENTE quickly exited the white Toyota Highlander, grabbed the black
26 | backpack and another bag from the backseat of the white Toyota Highlander, and ran
27 | across the street towards the residence at 1032 S 32nd Place, Renton, Washington.
28 | Agents observed CESAR CLEMENTE run to the side of the house, through a wooden

1 fence/side gate, and into the backyard of 1032 S 32nd Place, Renton, Washington. At
2 approximately 4:35 p.m., agents observed CESAR CLEMENTE exit the residence at
3 1032 S 32nd Place, Renton, Washington followed by an unknown male later identified as
4 CESAR CLEMENTE's cousin. CESAR CLEMENTE was placed into handcuffs and
5 temporarily detained by agents as a result of his failure to pull over for law enforcement
6 and then fleeing on foot with a backpack and another bag into his cousin's residence.

7 12. CESAR CLEMENTE was read *Miranda* warnings by agents. CESAR
8 CLEMENTE verbally stated that he understood his rights and agreed to waive his rights
9 and speak with law enforcement without a lawyer present. CESAR CLEMENTE
10 admitted that he had four pounds of marijuana in the backpack and a firearm, all of which
11 he had retrieved from the white Toyota Highlander before running across the street to his
12 cousin's house. CESAR CLEMENTE stated that he had a valid firearms carry permit
13 and carried the firearm for protection. CESAR CLEMENTE admitted he often traveled
14 with large amounts of cash and marijuana and was worried about being robbed.

15 13. Agents located a firearm, a cell phone, and keys to the white Toyota
16 Highlander on CESAR CLEMENTE's person when he exited his cousin's house and was
17 detained. CESAR CLEMENTE provided agents with verbal consent to search his
18 cousin's house, including the belongings he put in his cousin's house, and separate verbal
19 consent to search the house was also obtained from CESAR CLEMENTE's cousin. In the
20 cousin's residence, agents located a backpack that CESAR CLEMENTE acknowledged
21 was his and contained approximately four pounds of marijuana. Agents also located an
22 additional pound of marijuana in the garage and a cell phone in the house. CESAR
23 CLEMENTE denied going into the garage, but his cousin told agents that CESAR
24 CLEMENTE went into the garage before exiting the house and being detained by law
25 enforcement and that the one pound of marijuana in the garage was not his. CESAR
26 CLEMENTE eventually admitted that the cell phone found in his cousin's house was his,
27 and that he had two cell phones. CESAR CLEMENTE provided agents with verbal
28 consent to search his white Toyota Highlander. Agents located a wallet inside the vehicle

1 that contained a driver's license for CESAR CLEMENTE, various credit/bank cards, an
2 EBT card, and approximately \$30.00 in the center console of the vehicle. The white
3 Toyota Highlander smelled strongly of marijuana, as did CESAR CLEMENTE's clothes.
4 CESAR CLEMENTE declined to provide consent to search his cell phones. While agents
5 were submitting CESAR CLEMENTE's cell phones into evidence approximately one to
6 two hours after releasing CESAR CLEMENTE, both cell phones were remotely
7 wiped/restored to factory settings. Based on my training and experience, I believe that
8 CESAR CLEMENTE went to Michael Walker's residence to supply Michael Walker
9 with marijuana, which was contained in the black backpack that CESAR CLEMENTE
10 carried into Michael Walker's residence. As set forth below, remote video surveillance
11 showed CESAR CLEMENTE going into Michael Walker's residence on a weekly basis
12 carrying bags into Michael Walker's residence.

13 14. During this investigation, based on physical surveillance and remote video
14 surveillance, agents identified CESAR CLEMENTE's residence as 12120 SE 186th
15 Street, Renton, Washington, and two of his vehicles as a black 2003 BMW X5 bearing
16 Washington license plate BRU7044 registered to Cesar Y. Clemente at 2103 E
17 Republican Street, Seattle, Washington, and a 2014 Audi Q7 bearing Washington license
18 plate BUB0667 registered to Cesar Y. Clemente III at 304 N Wycoft Avenue, Unit 2,
19 Bremerton, Washington. Agents installed a pole camera capturing the street in front of
20 the Renton residence, which showed that CESAR CLEMENTE remained at that
21 residence overnights from April 2020 to around August 2020 when the pole camera was
22 taken down; additionally, the utilities at that residence have been billed to CESAR
23 CLEMENTE from at least January 2019 through the most recent bill in February 2021.

24 15. Beyond the April 14, 2020 transaction described above, agents observed
25 CESAR CLEMENTE make short visits consistent with drug transactions at Michael
26 Walker's residence, on numerous occasions. On March 27, 2020, at approximately 10:08
27 a.m., agents observed, via remote video surveillance, CESAR CLEMENTE, identified
28 based on a comparison to his driver's license photograph, arrive at Michael Walker's

1 residence, 18008 114th Avenue SE, Renton, Washington, driving a black BMW 550
2 bearing Washington license plate BST0317. CESAR CLEMENTE walked into Michael
3 Walker's residence carrying a dark-colored backpack worn on his back, which appeared
4 to be full. Agents then saw the black BMW depart at approximately 10:17 a.m. with
5 CESAR CLEMENTE driving; the surveillance camera did not capture CESAR
6 CLEMENTE exiting Michael Walker's residence, enter his BMW, or what, if anything,
7 he was carrying.

8 16. On March 31, 2020, 12:50 p.m., video surveillance showed CESAR
9 CLEMENTE arrived at Michael Walker's residence driving a white Toyota Highlander
10 bearing Washington license plate BCW0719. CESAR CLEMENTE walked into Michael
11 Walker's residence carrying in one hand a large brown paper bag with the top of the bag
12 rolled down. CESAR CLEMENTE then exited Michael Walker's residence at
13 approximately 12:58 p.m., carrying a smaller, flatter brown paper bag/envelope held with
14 two hands tightly to his chest, got into Subject Vehicle 18, and departed.

15 17. On April 1, 2020, at approximately 10:59 a.m., video surveillance showed
16 CESAR CLEMENTE arrived at Michael Walker's residence driving the Highlander.
17 CESAR CLEMENTE departed Michael Walker's residence in the Highlander at
18 approximately 11:01 a.m. The surveillance did not capture CESAR CLEMENTE walking
19 between his car and Michael Walker's residence.

20 18. On April 8, 2020, at approximately 7:19 p.m., video surveillance showed a
21 black BMW SUV with no front license plate, believed to be the vehicle agents had seen
22 CESAR CLEMENTE driving on prior occasions, depart CESAR CLEMENTE's
23 residence located at 12120 SE 186th St, Renton, Washington; the images were
24 insufficient for agents to identify the model of BMW or the rear license plate. Three
25 minutes later, at approximately 7:22 p.m., video surveillance showed CESAR
26 CLEMENTE arrived at Michael Walker's residence driving a black BMW X5, an SUV,
27 bearing Washington license plate BRU7044. Agents noted that the distance between
28 CESAR CLEMENTE's residence in Renton and Michael Walker's residence in Renton is

1 approximately .8 miles, consistent with a three-minute drive between the two locations.
2 CESAR CLEMENTE walked into Michael Walker's residence carrying in one hand a
3 large black duffel bag with white marking on the side. CESAR CLEMENTE exited
4 Michael Walker's residence at approximately 7:29 p.m., carrying the black duffel bag
5 slung on his shoulder; based on the way CESAR CLEMENTE carried the bag, it
6 appeared noticeably lighter in weight and less full. CESAR CLEMENTE put the bag in
7 the passenger side of the BMW and departed.

8 19. On April 9, 2020, at approximately 6:31 p.m., video surveillance showed
9 the BMW departed CESAR CLEMENTE's residence. About three minutes later, at
10 approximately 6:34 p.m., video surveillance showed CESAR CLEMENTE arrived at
11 Michael Walker's residence driving the BMW. CESAR CLEMENTE departed Michael
12 Walker's residence in the BMW at approximately 6:37 p.m.

13 20. On April 13, 2020, at approximately 6:47 p.m., video surveillance showed
14 Subject Vehicle 18 departed CESAR CLEMENTE's residence. About three minutes
15 later, at approximately 6:50 p.m., video surveillance showed CESAR CLEMENTE
16 arrived at Michael Walker's residence driving the Highlander. CESAR CLEMENTE
17 walked into Michael Walker's residence carrying in one hand a large brown paper tote
18 bag with red stripes. CESAR CLEMENTE exited Michael Walker's residence at
19 approximately 6:54 p.m., carrying the same brown paper tote bag with red stripes, which
20 appeared lighter than before based on the way that CESAR CLEMENTE carried the bag.
21 CESAR CLEMENTE put the bag in the rear driver's side of the Highlander and departed.

22 21. On March 31, 2021, agents obtained search warrants for multiple locations,
23 vehicles, and individuals in connection with this investigation. These warrants included
24 search warrants for the Renton residence of CESAR CLEMENTE described above, as
25 well as his vehicles and his person.

26 22. On April 7, 2021, the FBI and other law enforcement agencies executed the
27 search warrants described above. At 12120 SE 186th Street, Renton, Washington, agents
28 found CESAR CLEMENTE and a woman determined to be his girlfriend, who also

1 appeared to reside at the location. In the garage, agents located numerous (approximately
2 30) large garbage bags full of marijuana. Also in the garage, agents located materials
3 indicating that marijuana processing was taking place at this location. In particular,
4 agents located distillates, extracts, and other derivatives; packaging materials; and
5 materials for rolling “joints” as well as pre-rolled joints. Washington State Liquor and
6 Cannabis Board employees were on site during the search, who confirmed that the
7 materials located were consistent with marijuana processing, and also confirmed that
8 neither CESAR CLEMENTE nor the location were permitted under Washington State’s
9 marijuana regulatory scheme to process or sell marijuana.

10 23. In a spare bedroom, agents located eight firearms, including two firearms
11 that have been determined to be stolen, and five “ghost” guns, i.e., privately made
12 firearms that lack commercial serial numbers. One of these was a Desert Eagle 50 caliber
13 Magnum Research pistol, bearing serial number DK0002091. There was additional
14 marijuana and THC in edible candies in this rooms near the firearms. Also in that
15 bedroom were numerous (approximately 200) shoe boxes containing men’s shoes.

16 24. In a separate room, agents located two unloaded rifles. There was additional
17 marijuana located near these firearms.

18 25. Based on my training and experience, I know that a pound of marijuana is
19 well in excess of personal use amounts of marijuana; it is instead consistent with
20 possession for distribution. Based on the multiple pounds recovered from CESAR
21 CLEMENTE in April 2020, as well as far larger amounts recovered from his residence
22 today, and coupled with the statements he made about his activities in April 2020 and
23 agents’ observations of his meetings with Michael Walker, it is apparent that CESAR
24 CLEMENTE’s possession of marijuana in April 2020 and again on April 7, 2021, was for
25 purposes of distribution.

26 26. Based on my training and experience, I also know that it is common for
27 drug dealers to carry firearms on their person or within reach in order to protect
28 themselves, their product, and their proceeds of drug trafficking from robbery and

1 assault. Based on CESAR CLEMENTE's possession of two firearms in close proximity
 2 to marijuana in April 2020, as well as his statements at the time regarding why he
 3 possessed the firearms, as well as the ten firearms recovered today, which were all in the
 4 same room as marijuana, and additional marijuana in the house for distribution, I believe
 5 that the firearms at issue were possessed in order to further CESAR CLEMENTE's drug
 6 dealing.

7 IV. CONCLUSION

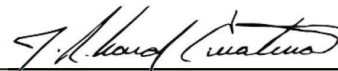
8 27. Based on the above facts, I respectfully submit that there is probable cause
 9 to believe that CESAR CLEMENTE did knowingly and intentionally commit the crimes
 10 of *Possession of Marijuana with Intent to Distribute* in violation of Title 21, United
 11 States Code, Sections 841(a)(1), (b)(1)(D), and 2, and *Possession of a Firearm in*
 12 *Furtherance of a Drug Trafficking Crime* in violation of Title 18, United States Code,
 13 Sections 924(c) and 2.



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 16 Shawna McCann, Complainant
 17 Special Agent, FBI

18 Based on the Complaint and Affidavit, to which the above-named agent provided
 19 a sworn statement attesting to the truth of the contents of such, the Court hereby finds
 20 that there is probable cause to believe the Defendant committed the offense set forth in
 21 the Complaint.

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 23 Dated this 7th day of April, 2021.



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 26 The Honorable J. Richard Creatura
 27 United States Magistrate Judge
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